

# House Study Bill 505 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

## A BILL FOR

1 An Act eliminating civil liability provisions for alcoholic  
2 beverage licensees or permittees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.92, subsections 1 and 2, Code 2016,  
2 are amended by striking the subsections.

3 Sec. 2. Section 123.95, subsection 1, Code 2016, is amended  
4 to read as follows:

5 1. A person shall not allow the dispensing or consumption of  
6 alcoholic liquor, except wines and beer, in any establishment  
7 unless the establishment is licensed under [this chapter](#) or  
8 except as otherwise provided in [this section](#). The holder of  
9 an annual class "B" liquor control license or an annual class  
10 "C" liquor control license may act as the agent of a private  
11 social host for the purpose of providing and serving alcoholic  
12 liquor, wine, and beer as part of a food catering service for  
13 a private social gathering in a private place. The holder of  
14 an annual special class "C" liquor control license shall not  
15 act as the agent of a private social host for the purpose of  
16 providing and serving wine and beer as part of a food catering  
17 service for a private social gathering in a private place. The  
18 private social host or the licensee shall not solicit donations  
19 in payment for the food or alcoholic beverages from the guests,  
20 and the alcoholic beverages and food shall be served without  
21 cost to the guests. ~~Section 123.92 does not apply to a liquor~~  
22 ~~control licensee who acts in accordance with [this section](#) when~~  
23 ~~the liquor control licensee is providing and serving food and~~  
24 ~~alcoholic beverages as an agent of a private social host at a~~  
25 ~~private social gathering in a private place which is not on the~~  
26 ~~licensed premises.~~

27 Sec. 3. REPEAL. Section 123.93, Code 2016, is repealed.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 This bill eliminates civil liability provisions for  
32 alcoholic beverage licensees or permittees, commonly referred  
33 to as the dramshop Act. Current law provides that a person who  
34 suffers personal injury, property damage, or loss of support  
35 as a result of the actions of an intoxicated person may, upon

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1 proper notice, seek damages from an alcoholic beverage licensee  
2 or permittee who sold to and served intoxicating beverages to  
3 a person when the licensee or permittee knew or should have  
4 known the person was intoxicated or should have known the  
5 person would become intoxicated and the person is subsequently  
6 involved in an alcohol-related accident resulting in injury to  
7 a third person.